

**REMARKS****I. PROSECUTION HISTORY.**

Following the disposition of a Pre Appeal Brief Review requested by Applicant, the claims were again examined by the Examiner. As a result of further examination, claims 1-6, 8-12, 14, 16-23, 25-28, 30-24, 36 and 28-44 stood rejected (non-final) under 35 U.S.C. §102(e) as being anticipated by Abrahams (US patent 6,944,773); and claims 7, 15, 29 and 37 stood rejected (non-final) under 35 U.S.C. §103(a) as being unpatentable over Abrahams in view of Price-Francis (US patent 5,815,252). Applicant responded on December 7, 2006.

In a Final office action dated 3/06/07, claims 4 and 44 stood objected to, claims 1-6, 8-12, 14, 16, 17-21, 23, 25-28, 30-34, 36 and 38-43 stood rejected to under 35 U.S.C. §102(e) as being anticipated by Lewis (US Patent 6,213,391), and claims 7, 15, 29 and 37 stood rejected under 35 U.S.C. §103(a) as being unpatentable over Lewis in view of Price-Francis (US Patent 5,815,252), and claims 22 and 44 stood rejected under 35 U.S.C. §103(a) as being unpatentable over Lewis in view of Abrahams (US Patent 6,944,773).

In response to the Final Rejection, Applicant filed a Request for Continued Examination (RCE) on July 6, 2007. Together with the RCE Applicant amended claims 1, 3, 7, 11, 22, 23 and 44, canceled claim 6, and submitted remarks in response to the rejection.

A communication dated September 19, 2007 containing non-final rejections of the claims was received and is now being replied to with this paper. In the official communication, Claims 1-5, 8-12, 14, 16-21, 23, 25-38, 30-24, 36 and 38-43 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (US Pat. No. 6,213,391) in view of Lin et al. (US Pat. No. 6,360,953). Claims 7, 15, 29 and 37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis in view of Lin et al. and in view of Price-Francis (US Pat. No. 5,815,252). Claims 22 and 44 stand rejected under 35 USC 103(a) as being unpatentable over Lewis in view of Lin et al., and further in view of Abrahams (US Pat. No. 6,944,773).

Applicant has amended claims 1, 4, 7, 22, 23, 25, 26, 27, 28, 32, 36, 37 and 45. Support for the amendments can be found throughout the specification and drawings, but in particular page 9, lines 23-33, page 18, page 1-18, page 19, lines 3-27, page 27, lines 23-32, page 29, lines 12-17. Claims 6, 13, 24, 35 and 44 now are canceled. Claims 1-5, 7-12, 14-23, 25-34, 36-43 and 45 remain pending.

Reconsideration of Applicant's pending claims is respectfully requested.

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## **II. SUMMARY OF INVENTION ASPECTS.**

As has been stated by applicant in his patent application as originally filed and throughout prosecution of his application, what is needed in the biometric field are more secure means to authenticate users and provide access to authenticated users. System that can help facilitate expedited user authentication where biometric information is stored remotely are also needed. Prompt user identification can be facilitated with wireless features of the present invention. Wireless identification of a user by an electronic system can facilitate retrieval of user identification/profiles including biometric attributes both from portable electronic devices and from remote servers by an electronic system associated with a user-desired activity. Where biometric attributes are stored on a portable electronic device and a remote server, the biometric attributes stored on a server should match biometric attributes stored on the portable electronic device prior to user authentication. A retrieved user's profile is then used for the electronic system to determine user authentication by comparing biometric attributes randomly requested from a user using a biometric user interface to biometric attributes associated with the user and retrieved from at least one of a portable electronic device or the remote server.

## **III. REJECTION OF CLAIMS AS OBVIOUS UNDER 35 U.S.C. 103(a).**

In response to the rejections and objection of record, Applicant has amended independent claims 1, 22, 23, and has added new independent claim 45. Neither Lewis, Lin et al., Price-Francis or Abrahams, alone or in combination with each other, teach, suggest or hint at an electronic system adapted to match biometric data obtained wireless from a portable device (e.g., contactless credit card) with related biometric data stored on a remote server prior to challenging a user to provide biometrics via a user interface associated with the electronic system for matching with biometric data from at least one of the server or the portable electronic device. The following claims highlight the distinctions of application's invention from the cited art of Lewis, Lin et al., Price-Francis and Abrahams:

(Independent Claim 1) - A method for biometrically securing access to a user-desired activity, said method comprising the steps of:

wirelessly obtaining an identification including biometric attributes of a user using an electronic system associated with a user-desired activity and adapted for supporting wireless

communication with portable electronic devices, the identification of said user further retrieved from a portable electronic device associated with said user after said portable electronic device establishes a contactless communication link to support wireless communication between said portable electronic device and said electronic system;

accessing a user profile including biometric attributes associated with said user by said electronic system through a computer network from a remote server based on the identification including biometric attributes of said user obtained wirelessly by said electronic system from said contactless smart card;

comparing said identification including biometric attributes obtained wirelessly by said electronic system from said portable electronic device with said user profile including biometric attributes obtained by said electronic system from said remote server to determine if biometric attributes from said portable electronic device match biometric attributes from said server;

if biometric attributes from said contactless smart card match biometric attributes from said server, prompting said user to input to a biometric user interface associated with said electronic system at least one biometric attribute randomly selected from biometric attributes accessed by said electronic system from at least one of said remote server and said portable electronic device; and

permitting said user to perform a user-desired activity if at least one biometric attribute input by said user to said biometric user interface associated with said electronic system matches at least one biometric attribute randomly selected by said electronic system from biometric attributes accessed by said electronic system from at least one of said remote server and said portable electronic device.

or

(Independent Claim 22) – A method for biometrically securing access to a secure area, said method comprising the steps of:

wirelessly obtaining an identification including biometric attributes of a user from a contactless smart card by an electronic system using a contactless card reader in communication with said electronic system, the identification including biometric attributes of said user further retrieved from said contactless smart card after said contactless smart card establishes a contactless link with said contactless card reader that supports wireless communication between said contactless smart card and said contactless card reader;

said electronic system using a computer network to obtain a user profile including biometric attributes associated with said user from a remote server;

comparing said identification including biometric attributes obtained wirelessly by said electronic system from said contactless smart card with said user profile including biometric attributes obtained by said electronic system from said remote server to determine if biometric attributes from said contactless smart card match biometric attributes from said server;

if biometric attributes from said contactless smart card match biometric attributes from said server, said electronic system prompting said user to input into a biometric user interface associated with said electronic system at least one biometric attribute randomly selected by said electronic system from biometric attributes accessed by said electronic system from at least one of said remote server and said contactless smart card; and

permitting said user to access a secure area if at least one biometric attribute input by said user to said biometric user interface matches at least one biometric attribute randomly selected by said electronic system from biometric attributes accessed by said electronic system.

or

(Independent Claim 23) – A system for biometrically securing access to a user-desired activity, said system comprising:

a biometric user interface; and

an electronic system adapted to i) wireless communicate with portable electronic devices, ii) communicate with remote servers, iii) compare user identification including biometric attributes obtained wirelessly by said electronic system from a portable electronic device with a user profile including biometric attributes obtained by said electronic system from a remote server to determine if biometric attributes obtained from said contactless smart card match biometric attributes obtained from said server, iv) receive biometric attributes from a user through said biometric user interface, and v) permit a user to perform a user-desired activity if at least one biometric attribute input by the user to said biometric user interface matches at least one biometric attribute randomly selected by said electronic system from at least one of a user profile including biometric attributes associated with said user accessible by the electronic system from a remote server or an identification including biometric attributes associated with

said user obtained wirelessly from a portable electronic device in wireless communication with the electronic system, if said electronic system determines that biometric attributes associated with said user obtained from said remote server match biometric attributes associated with said user obtained from said portable electronic device.

or

- (Independent NEW Claim 45) – A system for biometrically securing access to a user-desired activity, said system comprising:

a biometric user interface electronically associated with an electronic system adapted to:  
wirelessly communicate with contactless smart cards;

communicate with remote servers;

compare user identification including biometric attributes obtained wirelessly by said electronic system from a contactless smart card with a user profile including biometric attributes obtained by said electronic system from a remote server to determine if biometric attributes obtained from said contactless smart card match biometric attributes obtained from said server;

receive biometric attributes from a user through said biometric user interface;

and

permit a user to perform a user-desired activity if at least one biometric attribute input by the user to said biometric user interface matches at least one biometric attribute randomly selected by said electronic system from at least one of a user profile including biometric attributes associated with said user accessible by the electronic system from a remote server or an identification including biometric attributes associated with said user obtained wirelessly from a contactless smart card in wireless communication with a contactless card reader associated with the electronic system, if said electronic system determines that biometric attributes associated with said user obtained from said remote server match biometric attributes associated with said user obtained from said contactless smart card.

Support for all the amendments, and particularly independent claims 1, 22, 23 and new claim 45 can be found within the disclosure as originally filed, particularly page 9, lines 23-33, page

18, page 1-18, page 19, lines 3-27, page 27, lines 23-32, page 29, lines 12-17. No new matter has been added with the current amendments.

Reconsideration of Applicant's claims is respectfully requested.


#### **IV. CONCLUSION**

Applicant believes the latest amendments finding support in the original specification now fully overcome the rejections and request reconsideration of the remaining pending claims, 1-5, 7-12, 14-23, 25-34 and 36-44. Examiner is encouraged to contact the undersigned directly if it will expedite allowance of the application.

Respectfully submitted,

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